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Chair: Mr. Mac-Donald ..... (Suriname)
later: Ms. Alfeine (Vice-Chair) ..... (Comoros)

Contents

Agenda item 28: Advancement of women (*continued*)

(a) Advancement of women (*continued*)

Agenda item 103: Crime prevention and criminal justice (*continued*)

Agenda item 69: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

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The meeting was called to order at 3.05 p.m.

Agenda item 28: Advancement of women (*continued*)

(a) Advancement of women (*continued*) (A/C.3/67/L.20 and L.22)

Draft resolution A/C.3/67/L.20: Trafficking in women and girls

1. **Ms. Hernando** (Philippines), introducing the draft resolution, said that the biennial resolution had been updated to reflect emerging concerns related to human trafficking and placed the emphasis on the contributing factors that made people vulnerable to trafficking in persons, the need to strengthen the enforcement of labour laws that required business enterprises to respect human rights, in particular to prevent and combat human trafficking in supply chains, and the need to devise, enforce and strengthen systems and mechanisms to expedite disposition of cases of trafficking in persons. In addition, the business sector was invited to adopt ethical codes of conduct in order to ensure decent work and prevent any form of exploitative practices that fostered trafficking. Trafficking in persons was a crime of such magnitude that it could not be dealt with successfully at the national or even regional level alone. Member States therefore had a shared responsibility to work together to end that growing global scourge, protect innocent victims and prosecute perpetrators.

Draft resolution A/C.3/67/L.22: Supporting efforts to end obstetric fistula

2. **Ms. Sarr** (Senegal), introducing the draft resolution, said that almost 800 women died from pregnancy complications every day; for every woman who died more than 20 were injured or disabled. One of the most serious injuries was obstetric fistula; between 2 and 3.5 million women and girls were currently living with obstetric fistula, mainly in developing countries, since it had been virtually eliminated in the industrialized nations. The victims were typically poor, uneducated women living in rural, remote areas with limited or no access to health-care facilities. However, obstetric fistula was preventable and in most cases treatable and its persistence reflected both health system constraints and socioeconomic and gender inequalities. With a view to achieving Millennium Development Goal five by 2015, the international community must accelerate efforts to ensure equitable access to affordable, comprehensive, high-quality maternal health care that included skilled attendance during childbirth and emergency obstetric care in the event of complications. The draft resolution therefore called for renewed focus through specific programmes and additional resources in order to save women's lives.

Agenda item 103: Crime prevention and criminal justice (*continued*)

Draft resolution A/C.3/67/L.18: Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, in accordance with the United Nations Convention against Corruption

3. **Mr. Osorio** (Colombia), introducing the draft resolution, said that corruption had a negative impact on living conditions and on the legitimacy of institutions and their proper functioning. In the draft resolution, Member States were urged to continue focusing on the recovery of assets arising from corruption and the return of such assets to their legitimate owners in accordance with the provisions of chapter five of the United Nations Convention against Corruption. Despite the significant progress made, only 2 per cent of the funds of illicit origin from developing countries had been returned to the countries of origin, largely because countries encountered technical and legal difficulties in detecting transfers of the proceeds of crime and corruption. Capacity-building measures were therefore required so that States parties were able to issue and respond to requests for assistance, especially given that corruption and the transfer and non-repatriation of funds arising from corruption had a negative impact on countries' development.

Agenda item 69: Promotion and protection of human rights (*continued*) (A/67/387-S/2012/717 and A/67/390)

(a) Implementation of human rights instruments (*continued*) (A/67/40 (Vols. I and II), 44, 48, 48/Corr.1, 222, 264, 269, 279 and 281)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/67/36)

4. **Mr. Pillay** (Chair, Committee on Economic, Social and Cultural Rights) said that the opportunity to address the Third Committee represented the first time the Committee on Economic, Social and Cultural

Rights had reported to the General Assembly, and to him, it represented the recognition that the Committee was a core component of the treaty body system. He also welcomed the recent decision taken by the Economic and Social Council to grant it additional meeting time. The Committee had recently reduced the number of meetings allocated to consideration of periodic reports from three to two on a provisional basis. However, it attached great importance to its constructive dialogue with representatives of States parties and would do its utmost to ensure that the more limited time available for such dialogue did not have a negative impact on the quality of the discussions and their outcome. To that end, it continuously strived to enhance the efficiency and effectiveness of its working methods.

5. The Committee had noted with concern the effect of the global economic and financial crisis on the enjoyment of economic, social and cultural rights. In May 2012, a letter had been sent to States parties recalling their obligations to protect those rights, even amid widening public deficits and poor economic growth. Backward steps in respect for economic, social and cultural rights constituted a disincentive to growth and could lead to social insecurity and political instability with a disproportionate impact on women, children and disadvantaged and marginalized groups. Policies to tackle the economic downturn should be in line with States parties' obligations to respect, protect and promote economic, social and cultural rights, which constituted the foundation for achieving the key development goals beyond 2015 in such areas as discrimination, inequalities, education, health care, social protection and macroeconomic stability.

6. The Committee urged Member States to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which required only two more ratifications to enter into force. On the subject of treaty body strengthening, the two additional weeks of meeting time would enable the Committee to reduce the backlog of reports. However, it was hoped that a long-term sustainable solution would be found at its forthcoming session in November 2012.

7. **Ms. Li** Xiaomei (China) said that China welcomed the strengthening of the Committee's role in promoting the development of economic, social and cultural rights in all countries and it therefore supported the increase in its meeting time. Economic, social and cultural rights and civil and political rights constituted two equally important categories of basic human rights. Member States should ensure that those basic rights were protected even in times of economic and financial crisis and the international community should pay more attention to rectifying the imbalances between developed and developing countries. As the world's largest developing country, China attached great importance to economic, social and cultural rights, especially the right of survival and the right to development. Since ratifying the Covenant in 2001, China had faithfully fulfilled its obligations and continued to strive to realize those rights. It therefore looked forward to ongoing constructive dialogue with the Committee.

8. **Mr. Geurts** (Observer for the European Union), commending the Committee for its indispensable work in promoting observance of the rights enshrined in the Covenant, asked for further information on the draft rules of procedure for the Optional Protocol, including the possible use of admissibility criteria for future complaints. Information would also be appreciated on the work of the Committee specifically relating to the economic, social and cultural rights of women. Lastly, education was a key objective of European Union development cooperation and his delegation would therefore welcome guidance on how to ensure better access to quality education for vulnerable groups and people facing multiple forms of discrimination, both now and after 2015.

9. **Mr. Pillay** (Chair, Committee on Economic, Social and Cultural Rights) said that he hoped that China would consider ratifying the Optional Protocol as its next step forward. The rules of procedure for the Optional Protocol would be adopted in November 2012 and were standard provisions similar to those of the optional protocols of other committees. The clear disadvantage provision contained in article 4 was peculiar to the Optional Protocol for that Covenant but the Committee would apply the provision on a discretionary basis and only if it were to be overwhelmed with applications, which was unlikely.

10. The Committee was continuously striving to promote women's rights, since women were more likely to suffer from poverty and encounter obstacles in their access to credit facilities and employment. In its constructive dialogue with States parties, the Committee always emphasized that women formed part of disadvantaged, marginalized and vulnerable groups.

Access to education for all women and men was important but access to health care, sanitation and clean water were equally vital. The Committee was keen to ensure that those issues continued to be viewed as rights and that associated targets were set in the post-2015 agenda. The Committee was considering drafting a statement to give guidance to the delegation of high-level experts on that matter and to stress that the right to development in particular constituted a right like all others.

11. **Ms. Majodina** (Chair, Human Rights Committee), introducing the sixty-seventh annual report of the Human Rights Committee (A/67/40, Vols. I and II), said that since 1977 the Committee had been monitoring the implementation by States parties of the International Covenant on Civil and Political Rights and its two Optional Protocols and guiding States parties on the fulfilment of their human rights obligations. To date, it had registered around 2,199 complaints and examined over 934 cases, and its recommendations had led to commutations of the death penalty, early release from prison, legislative and policy changes and other important reforms. The Committee valued the participation of all partners in drafting its general comments and planned to give further guidance to States parties on how they could contribute to that process. Recent general comments included general comment No. 34 on article 19 of the Covenant, which had provided the most authoritative commentary on the rights to freedom of opinion and expression; the Committee was in the process of preparing a general comment on article 9 on the right to liberty and security of the person. The Committee urged those Member States which were not yet party to the Covenant and its Optional Protocols to consider ratifying them as soon as possible.

12. Despite its achievements to date, the Committee faced many challenges. For example, 55 States parties were currently at least five years overdue in submitting either an initial or a periodic report. Country reports provided a solid basis for the constructive dialogue between the Committee and States parties; the Committee therefore urged all States parties to submit their reports on time, especially initial reports, so that the Committee would not have to consider their implementation of the Covenant in the absence of a report. Another challenge was understaffing, which had resulted in a considerable backlog of individual communications; the Committee had therefore requested additional temporary resources to enable it to deal with the 380 communications registered and 160 awaiting decision.

13. As a cost-cutting measure the Committee had established a new voluntary simplified reporting procedure for the examination of reports, which involved the adoption of lists of issues prior to reporting. The aim was to reduce the burden on States parties, the Committee and the Secretariat by introducing more targeted reports for the benefit of all. Lastly, the Committee welcomed the treaty body strengthening process under way and hoped that those bodies would be provided with sufficient, sustained resources.

14. **Ms. Hosking** (South Africa) said that the scope and breadth of the activities included in the report of the Human Rights Committee reflected its valuable work and significant contribution to the extensive body of international jurisprudence on civil and political rights. The Committee had played a pivotal role for many years in promoting and monitoring implementation of the Covenant and its two Optional Protocols. However, South Africa recognized the challenges it faced in relation to the high proportion of overdue reports, which complicated its efforts to ensure equal and fair treatment consistent with its mandate, as well as the budgetary and human resources constraints mentioned in its report. South Africa was therefore fully committed to working with Member States to strengthen and enhance the effective functioning of the United Nations human rights treaty body system by finding sustainable solutions to those and related challenges facing the international human rights machinery.

15. **Mr. Geurts** (Observer for the European Union) said that the European Union was firmly committed to establishing effective, independent human rights treaty bodies. Such bodies played a key role in ensuring international protection and promotion of human rights. The European Union welcomed the option of the list of issues prior to reporting and sought further information about the benefits of that process as well as any advice the Committee might give to other committees that were considering introducing a similar process. The simplified reporting procedure could help treaty bodies to work more effectively, ease the reporting burden for Member States and encourage increased compliance with reporting obligations. However, the European Union wished to know which

components of that procedure would have the most positive impact on the work of committees. Lastly, the European Union would welcome the Committee's views about the need for a code of conduct and the impact that such a code might have on the independent nature of the treaty bodies.

16. **Ms. Majodina** (Chair, Human Rights Committee) said that she welcomed the acknowledgement by South Africa of the Committee's work in protecting the civil and political rights of people all over the world, given that the country was emerging from a long period of political turbulence. However, it was deeply concerned that South Africa had not yet submitted its initial report. Like other treaty bodies, the Committee was facing significant budgetary constraints and had a backlog of individual communications awaiting processing. It now took three years for a communication submitted by an individual to be considered; justice delayed was justice denied, since people turned to the Committee as an instance of last resort. In order to reduce the backlog of State party reports the Committee had increased the number of reports considered during a session from four to six.

17. The list of issues prior to reporting, or simplified reporting procedure as it was now called, eased the reporting burden considerably given that those States parties that chose to adopt the voluntary procedure did not need to submit a report. Instead they had only to send responses to a list of issues. However, the procedure was not applicable to initial reports and could be used only where States parties had already submitted a previous report. The procedure had been launched as a pilot, with the first five countries to be examined in 2013.

18. The overall aim of the treaty body strengthening process was to enhance the ability of rights-holders to enjoy their rights. To that end, States parties would need to inject more resources into the treaty bodies to ensure that the recommendations made in the report by the United Nations High Commissioner for Human Rights on strengthening the United Nations human rights treaty body system could be implemented. The Committee was considering the recommendations and supported the intergovernmental process as long as it respected the power of treaty bodies to decide on their working methods and rules of procedure, as well as the Committee's impartiality and independence. Some of the recommendations made in the report were already established practice within the Committee, but other proposals, such as the comprehensive reporting calendar, would need to be considered from a more critical standpoint. While the calendar had its merits, it would entail drastic changes in how States parties approached their reporting obligations and how the treaty bodies carried out their work. The Committee feared that its flexible approach to the submission of State party reports might be compromised and would therefore be considering all the recommendations made in relation to its working methods.

19. Regarding the code of conduct, the Committee would examine the Guidelines on independence and impartiality of members of the human rights treaty bodies drafted in 2012 and consider how they could be adapted to its rules of procedure and working methods. However, a code of conduct should not be imposed on the Committee given that the treaty bodies had already developed their own tools for self-regulation.

20. **The Chair** invited the Committee to continue its general discussion of sub-items (a) and (d) of agenda item 69.

21. **Mr. Šćepanović** (Montenegro) said that, since regaining independence in 2006, Montenegro had taken a more active role in international affairs. At the national level, the Ministry of Justice and Human Rights and the Ministry for Minority Rights were the key Government ministries responsible for developing and implementing policy for the protection of human rights and freedoms. However, Montenegro had also established several working bodies to monitor and control implementation of both those policies and the United Nations conventions and treaty body recommendations.

22. The provisions of the fundamental human rights instruments had been incorporated into national law and Montenegro looked forward to receiving and implementing the recommendations of the Human Rights Council following review of its second report submitted under the universal periodic review. Since its completion of the universal periodic review in 2008, Montenegro had signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Optional Protocols to the Convention on the Rights of the Child. It had also submitted initial and periodic reports on several international treaties and was in the process of ratifying the Council of Europe Convention on preventing and combating violence against women and

domestic violence. As a candidate for membership in the Human Rights Council for the period 2013-2015, Montenegro was committed to upholding the values enshrined in the United Nations Charter and other universal human rights instruments.

23. **Ms. Sumi** (Japan) said that Japan had had withdrawn its reservation to article 13, paragraph 2 (b) and (c), of the International Covenant on Civil and Political Rights. It welcomed the strengthening of the human rights treaty body system and valued the role of the Human Rights Council, particularly the universal periodic review system. It had carried out a voluntary follow-up in 2011.

24. Japan was striving to establish gender equality and the full participation of both men and women in all areas. Its third Basic Plan for Gender Equality, adopted in 2010, set targets in line with the Convention on the Elimination of All Forms of Discrimination against Women. The Government recognized the pivotal role played by the Committee on the Elimination of Discrimination against Women and would continue to cooperate actively with it.

25. Japan had signed the Convention on the Rights of Persons with Disabilities in 2007 and was preparing to ratify it, and had amended the Basic Act for Persons with Disabilities in 2011 in line with the Convention. It had also established a Board on policies for persons with disabilities in 2012, which made national policy recommendations and monitored implementation of that policy. The Government planned to take further steps to protect the rights of persons with disabilities, including legislative amendments.

26. **Mr. Benmehidi** (Algeria) said that his country was a party to almost all international human rights instruments and had always allocated significant resources to economic and social development and to improving the standard of living of its people. Algeria was committed to the promotion and protection of civil, political, economic, social and cultural rights through the constitutional and legislative framework, as well as domestic implementation, evaluation and appeal mechanisms. At the regional level, Algeria always assumed its share of responsibility for protecting and promoting human rights.

27. Algeria was undertaking broad political, economic and social reforms, which would lead to the adoption of a new Constitution. His Government had lifted the state of emergency and set out a series of laws to strengthen the rule of law and representative democracy, in such areas as political parties, decriminalizing press offences, opening up the broadcast media and a guarantee of 30 per cent representation of women in elected assemblies. Efforts were being made to enhance the involvement of civil society in all aspects of public life, reflecting the Government's commitment to expanding democracy and responding to citizens' needs.

28. With regard to economic, social and cultural rights, various development plans implemented over the past decade had significantly improved the standard and quality of life. Algeria had also expanded aid programmes helping young people to enter the job market. His Government adhered to the principle of universality, with a view to protecting the fundamental rights of individuals and respecting their dignity. In that respect, there was no single model for social or political organization, as universality must be based on recognition of cultural, historical and geographical specificities, and on international standards and legal principles.

29. In line with its aim to avoid politicization and selectivity, the Human Rights Council should conduct a rigorous and objective evaluation of implementation of the Vienna Declaration and Programme of Action. Accession to international human rights instruments must not be selective. In that context, the non-ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families by countries which hosted migrant workers continued to weaken the Convention's implementation.

30. Although the international community had made strides in the protection of human rights, many peoples remained deprived of their fundamental rights and from realizing the ideals of peace, progress and prosperity. In that respect, the right of peoples to their self-determination in situations of foreign occupation was a prerequisite to an international order founded on respect for human rights.

31. **Ms. Changtrakul** (Thailand) said that human rights, which were at the heart of her Government's domestic and foreign policy, also comprised an aspect of human security. In that regard, it was endeavouring to enhance people-centred policies, including through universal health care, and free and equal educational opportunities for all. Equal opportunities for vulnerable

groups were being enhanced, including through the creation of a national fund to help rural women to develop their professional potential and leadership in communities, and through a mechanism and law on older persons, and measures to ensure implementation of the Madrid International Plan of Action on Ageing. Thailand had amended its laws in line with the Convention on the Rights of Persons with Disabilities, and would continue to help other countries in the region to build their capacity towards implementation of the Convention.

32. As a member of the Human Rights Council, Thailand would continue to advocate for the value of technical cooperation in enhancing human rights. As a sign of her Government's commitment to international human rights standards, it had withdrawn its reservations to articles 6 and 9 of the International Covenant on Civil and Political Rights, concerning the abolition of the death penalty for persons below eighteen years of age, and the obligation to bring arrested or detained persons on a criminal charge before a judge or other judicial officer. Thailand was closely cooperating with the special procedures of the Human Rights Council, and was committed to combating human trafficking, as evident from the visit of the Special Rapporteur on trafficking in persons, especially women and children, in August 2011. Thailand had issued a standing invitation to all special procedures and was currently arranging for the visit of the Special Rapporteur on the human right to safe drinking water and sanitation planned for early 2013. Lastly, she noted that Thailand would stand for election to the Council for the term 2015-2017, and would continue to cooperate with all stakeholders in creating rights-based societies for all.

33. **Ms. Solórzano-Arriagada** (Nicaragua) said that her country had aligned its legislation with international human rights standards and with the principles of non-discrimination and equality of all citizens. Nicaragua was a party to the principal human rights instruments, the provisions of which were largely reflected in its Political Constitution and other legislation. Progress had also been made towards the adoption and/or ratification of other important human rights instruments.

34. Eradicating poverty and securing political, economic, social and cultural rights for the Nicaraguan people were priorities for her Government, whose policies and programmes included access to free health care, food, clean drinking water, education, employment and housing, and a national human rights plan which aimed to reduce poverty. The effective enjoyment of civil and political rights was also necessary for development. Nicaragua reiterated its commitment to work towards the promotion, application and guarantee of human rights to maintain peace, social justice, equality and the respect for life.

35. Nicaragua had made progress in administrative and legal matters, setting up agencies which guaranteed compliance with national and international human rights standards, with a particular focus on the most vulnerable groups such as children, adolescents, women, indigenous peoples, persons with disabilities and migrants. Her Government had also created an Atlantic coast development council, which aimed to strengthen regional bodies and promote development in the autonomous regions and indigenous communities along the coast.

36. The justice system had been modernized in recent years, which had enhanced the protection of human rights. A public defender's office had been created, and the attorney-general's office had been separated from the public prosecutor's office. Such efforts to implement international human rights instruments, made jointly with civil society groups through an inter-agency human rights committee, had led to significant progress, including the submission of long-awaited reports to United Nations treaty bodies.

37. **Ms. Abubakar** (Libya) said that for several decades the people of her country had been subject to human rights violations of many kinds, including murder, torture and extrajudicial killing, at the hands of a merciless dictatorship. The tyrant Al-Qadhafi had used the country's wealth to oppress the people and deprive them of the most basic rights. The fall of the Libyan dictator had constituted a major turning point in the history of the Libyan people toward a new Libya in which all without exception enjoyed human rights and fundamental freedoms.

38. Her delegation was unhappy about what were described in a Human Rights Watch report as human rights violations during the war against the dictatorship in Libya, most of which had been committed by Al-Qadhafi's forces and mercenaries. The Libyan authorities expressed regret and disapproval over the occurrence of such violations and intended to investigate all those that might have been committed

by the revolutionaries during the war or after the fall of the regime. Indeed, the Libyan people, having revolted against injustice, could not accept any further human rights violations.

39. The new Libya was bent on respecting all its undertakings under international instruments for the promotion and protection of human rights. Political parties had come into being and there was now freedom of the press, freedom of expression, unconditional freedom to assemble and demonstrate and freedom to establish civil society organizations and trade unions. Amid the many challenges facing the Government, the question of human rights remained paramount. Practical steps towards promoting and protecting human rights included the establishment of the National Council for Public Liberties and Human Rights; preparation of an integrated programme of action for the promotion and protection of human rights; the ongoing investigation into human rights violations that had occurred during the 17 February revolution; the simplification of entry procedures for non-governmental human rights organizations; invitations to visit Libya to the High Commissioner for Human Rights and the Working Group on Enforced or Involuntary Disappearances; and launching of cooperation with the Office of the United Nations High Commissioner for Human Rights for technical assistance and capacity-building.

40. Libya affirmed the principles of independence of the judiciary and separation of powers. Her Government was eager to conduct, under the supervision of the Libyan State, fair trials for persons accused of specific offences, in which the criteria of international law and human rights law were observed. It was also avidly seeking to ascertain the fate of thousands of disappeared persons. She commended the role being played by civil society organizations in promoting a culture of human rights and respect for the rights and freedoms of others.

41. **Mr. Al-Obaidi** (Iraq) said that the complete withdrawal of foreign troops from his country and the recovery of its national sovereignty had marked the end of a difficult period that had adversely affected the Iraqi human rights situation. It had also removed any pretext for terrorist groups whose operations had depended on the presence of such troops. Some armed groups had joined the political process and put aside their arms under the project of national reconciliation.

42. Throughout those events, his Government had made enormous efforts to promote a culture of human rights based on the Iraqi Constitution and the country's international commitments and to establish peaceful coexistence among the groups that constituted the Iraqi people, as demonstrated by the country's National Action Plan on Human Rights, which was based largely on the recommendations made by the Human Rights Council during the universal periodic review of Iraq, in February 2010. The draft Plan had been reviewed at a meeting that included representatives of the United Nations, the European Union and the diplomatic missions accredited in Iraq. The Plan, which was expected to be implemented by the start of 2014, called for Iraq to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the adoption of a law on Iraq's accession to the International Convention for the Suppression of the Financing of Terrorism and the Convention on the Rights of Persons with Disabilities. The instrument of accession would be deposited as soon as possible.

43. Iraq had withdrawn its reservation to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women . It had submitted its periodic report in respect of that Convention and would shortly submit its reports under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights. In the preparation those reports, civil-society organizations had played an outstanding role.

44. His country had received and facilitated the work of the Working Group on the use of mercenaries and the final steps were being taken to receive the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment within the framework of an open invitation to visit the country extended by the Government to mandate holders of special procedures as a voluntary commitment in the context of the universal periodic review.

45. The establishment of the High Commission for Human Rights had reached the final stages: the Commissioners had been selected by the Committee of Experts and included a representative of the United Nations Assistance Mission for Iraq (UNAMI). Speedy measures were being taken for the adoption of a number of draft laws relating to the performance of the

country's international commitments and constitutional provisions pertaining to rights and freedoms. They included laws on freedom of speech, assembly and peaceful protest; the right of access to information; political parties; combating trafficking in human beings; and labour. Legislation aimed at the realization of the Millennium Development Goals and the promotion of rights had also been enacted in the fields of poverty reduction; the advancement of women and the elimination of violence; and policymaking to reduce unemployment.

46. Post-2003 Iraq had inherited from the previous regime a heavy legacy of human rights violations involving mass graves, the killing or forced displacement of anyone who opposed the regime, including scholars and intellectuals, and demographic changes. His delegation appealed to the international community to aid the Government in its efforts to overcome the adverse consequences of that legacy through the identification of victims, the uncovering of mass graves and support to technical staff. The Iraqi Government had identified those crimes by organizing conferences, the first of which had been held in London in January 2011; others conferences would be organized with a view to international condemnation of the crimes of the Saddam Hussein dictatorship as crimes against humanity, so as to provide some vindication and psychological rehabilitation for the victims.

47. The greatest challenge to human rights in Iraq lay in terrorism, which affected innocent, unarmed civilians, though it had declined from 2010 to 2011, a sign of the success achieved by the police and security forces.

48. The Iraqi Government had signed with the United Nations a memorandum of understanding closing the case of the members of the Iranian Mojahedin-e-Khalq Organization in a voluntary, peaceful fashion consistent with human rights standards, with a view to their relocation to a third country under United Nations supervision.

49. **Mr. Elbahi** (Sudan) said that the promotion and protection of human rights was a principle deeply rooted in Sudanese society. His country had ratified all the international human rights instruments and their provisions had been incorporated into national legislation. In that context, cooperation agreements had been concluded with South Sudan and the transitional authority structures for the Darfur region had been integrated thanks to the Doha Document for Peace in Darfur. As a result, the Darfur states had entered a new phase of stability marked by the voluntary return of thousands to their homes and a decline in violence, except on the part of a few rebel movements that had not signed the document.

50. Positive human rights developments in his country included the setting up of an independent National Commission for Human Rights; the establishment of a special court on Darfur crimes and the appointment of a public prosecutor to investigate all human rights violations that had occurred since the start of the conflict in Darfur. In Blue Nile and South Kordofan states, the Government had begun practical arrangements with the partners to the humanitarian tripartite initiative with a view to its implementation, which had been slowed down by the obstacles created by the Sudan People's Liberation Movement, Northern Sector. In Abyei, the Government had recently signed a memorandum of understanding on the status of forces even though the United Nations Interim Security Force for Abyei (UNISFA) had completed its deployment before the memorandum was signed, thanks to the cooperation of the Government, which had also ensured unrestricted freedom of movement for the African Union-United Nations Hybrid Operation in Darfur (UNAMID). The common aim in all the cases mentioned had been to ensure that the people of his country enjoyed all their lawful rights.

51. Sudan had promulgated a law on children in 2010 and had established units for the protection of children, women and the family within the armed forces and the police and a unit to combat violence against women and children within the Ministry of Welfare and Social Security. It had drafted a law on disabled persons and established a national council to protect their interests and safeguard their rights. The country's traditional and religious values ensured that the elderly were viewed with esteem, and homes for their care had been established.

52. Human rights connected with freedom of expression were accorded extreme importance in his country's laws and protected under its Constitution. In addition to more than 50 daily newspapers and a number of international magazines, there were at least seven satellite television channels and an equal number of radio broadcasting stations. They included only one Government television channel and two Government

radio stations. Nothing in the country's laws prevented freedom of expression.

53. The Human Rights Council resolution (A/HRC/RES/11/10) renewing the mandate of the Independent Expert on the situation of human rights in the Sudan under agenda item 10, on technical assistance and capacity building, rather than under item 4, which involved monitoring, had been welcomed by his country and confirmed that human rights in the Sudan were steadily improving. His country reaffirmed its commitment to cooperation with the United Nations human rights mechanisms, but hoped that the sole way of dealing with the related issues would be constructive dialogue that shunned any politicization of those issues or violation of State sovereignty.

54. The universality of human rights required that they be dealt with as a whole. His delegation called for economic, social and cultural rights to be given attention equivalent to civil and political rights. It also called for the dissemination of values of tolerance conducive to balanced dialogue among religions and cultures and an end to efforts to impose a particular value system on others or to destroy the other, given that all religions had the same divine source and civilizations and cultures were human achievements whose particularities should be respected. It stressed the importance of the family as the basic unit of society and the need to challenge the recent attempts forcibly to introduce new gender concepts whose definitions were not recognized internationally, while clearly ignoring deep-rooted religious, cultural and traditional particularities.

55. While freedom of expression was clearly needed, it must not be exploited to incite hatred or denigrate religions. His delegation condemned the recent film insulting the Prophet Muhammad just as it had earlier condemned insulting caricatures. It trusted that the Assembly would take action to protect all religions. His delegation appealed for concern for the rights of the weak and vulnerable people of the world, including minorities, emigrants and victims of occupation in unlawfully appropriated Arab lands.

56. Collective action through multilateral mechanisms without discrimination between States was the appropriate way to promote human rights, particularly as there was no country large or small that was free of human rights issues.

57. **Ms. Al-Amiri** (Qatar) said that the economic, social and political changes that had marked the start of the new millennium had heightened the importance of human rights issues. Her country had brought its penal code into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which, along with numerous other regional and international human rights instruments, it had acceded. It had considered with an open mind the report on its human rights situation presented in the context of the universal periodic review of the Human Rights Council and had implemented many of the Council's recommendations. It celebrated a yearly national human rights day, an indication that the promotion and protection of human rights were considered an inseparable part of the country's identity and culture.

58. Numerous institutions for the promotion and protection of human rights had been established in the country, both governmental and non-governmental. In keeping with its reform policy and growing concern with the promotion and protection of human rights, Qatar had offered to host the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, created by General Assembly resolution 60/153. The Centre, placed under the supervision of the Office of the United Nations High Commissioner for Human Rights, had opened in May 2009. It had conducted important regional training activities and consultations concerning the United Nations human rights mechanisms, the media and human rights education and provided support to human rights organizations in the region. Qatar, as host country, had offered the Centre considerable support since its foundation, but because of the growing demand for its services, the Centre would not be able to carry out its mandate efficiently unless it was adequately funded from the regular budget of the United Nations. Such funding on an ongoing basis was vital to guarantee the proper performance of its programmes, the development of training and documentation activities and the transparency, reliability and independence of the Centre. His Government remained committed to providing the necessary support and financing for the Centre's programmes and activities.

59. **Mr. Ulibarri** (Costa Rica) reiterated his Government's support for the work of the treaty bodies. The treaty body system involved multiple

stakeholders, and its committees must reflect broad participation in discussions on the intergovernmental process for strengthening those bodies. Any changes to that system should improve compliance with obligations and increase the protections that treaty bodies granted to rights holders.

60. Costa Rica supported the proposals for a comprehensive reporting calendar, simplified reporting procedure, page limits and the use of modern technologies (A/67/222, paragraph 32 (a)). He requested more information on the technical criteria relating to the different committees and their Chairs especially regarding proposals related to individual communications. States must do their utmost to ensure financial resources for implementation of those proposals.

61. Costa Rica had worked to strengthen the treaty bodies and hoped that an agreement could soon be reached on a comprehensive and systematic long-term solution. Nevertheless, that should not prevent the General Assembly from deciding on urgent measures required to prevent the treaty bodies from entering into a greater crisis, even if they had financial implications. The Committee Chairs' endorsement of the Guidelines on independence and impartiality of members of the human rights treaty bodies was welcome; they were key to the functioning of those bodies. The holding of chairs' meetings in different regions was a welcome initiative, and he hoped that the next such meeting could be held in his region, with participation from national human rights institutions and their organizations.

62. **Ms. Cavanagh** (New Zealand) said that implementation of the Convention on the Rights of Persons with Disabilities was a significant step in ensuring that such persons could live in societies where they were valued, and more efforts to ensure their full participations were needed, particularly regarding international cooperation. Her Government welcomed the broad support for that Convention, and called on States which had not yet ratified it to do so. Persons with disabilities were often amongst the most vulnerable members of society, and their vulnerability should not be misconstrued as inability or dependency. World Bank estimates on the annual loss of global gross domestic product due to the exclusion of persons with disabilities from economic income activities reflected the need to mainstream disabilities into development planning.

63. Her Government had welcomed in particular the progress made in integrating the rights of persons with disabilities in the context of the Millennium Development Goals. Data disaggregated by disability must be produced to support the planning and monitoring of efforts to make the post-2015 development framework inclusive and accessible. In the light of the important work of the Committee on the Rights of Persons with Disabilities, it was of deep concern that the Committee was unable to consider periodic reports in a timely manner. It was thus imperative to adopt the request for two weeks' additional annual meeting time and two weeks of pre-session meeting time to facilitate the Committee's work. The rights of persons with disabilities must be addressed equally within the United Nations system. A concerted effort was needed to enhance the effective functioning of the Convention's reporting system and the entire human rights treaty body system.

64. **Mr. Och** (Mongolia) said that States should implement sound policies and international cooperation should be enhanced to address the challenges to effective implementation of human rights, which included corruption, a democratic deficit and a lack of capacity and expertise. In that regard, States needed more substantive support from the international community through enhanced technical assistance and advice on capacity-building and human rights education.

65. His Government, in the context of its ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, was undertaking step-by-step measures to amend its legislation with the aim of abolishing the death penalty in law and practice. It had also been carrying out a range of legal reforms to bring its national laws into line with international standards. His Government had published a bulletin to disseminate the human rights conventions to which it was a party, and, in 2009, had passed a resolution enabling national courts to directly invoke the provisions of international human rights standards and norms.

66. His Government also attached great importance to its reporting obligations under human rights treaties, and considered the universal periodic review a unique mechanism for promoting human rights worldwide. It had submitted its first report on the implementation of the Convention on the Rights of Persons with Disabilities earlier in 2012. Moreover, among his

Government's priorities was the protection of women and children's rights, as evidenced by its signing of an agreement on cooperation to combat trafficking in persons in the region.

67. Lastly, his Government welcomed the recommendations made by the Working Group on business and human rights, which had recently visited Mongolia. They corresponded with its policy of providing an effective remedy for citizens whose human rights were affected by business activities.

68. **Mr. Momen** (Bangladesh) said that the universal periodic review was effective in helping to improve the global human rights situation. His Government was committed to building a society free from exploitation, where fundamental human rights and freedoms, equality and justice were secure and all citizens were equal before the law. Its position on human rights was based on the principles of universality, non-selectivity and objectivity. Its Constitution embodied the provisions of the Universal Declaration of Human Rights, irrespective of religion, race, caste or sex, and contained special provisions to ensure the rights of women, children and minorities.

69. Bangladesh had signed, ratified and acceded to nearly all the key international human rights instruments; in 2011, it had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. His Government engaged in constructive dialogue with the international community in espousing the cause of human rights, which should prevail without political manoeuvring.

70. His Government had regularly updated its laws to ensure compatibility with various human rights instruments. It had ensured freedoms of speech, expression and thought. It had also enacted legislation to promote the rights of children and women. The existing legislation on persons with disabilities was being harmonized with the provisions of the relevant Convention and among the measures it was undertaking in that context were programmes for student stipends, special and inclusive schools for students with disabilities and quotas. Effective, independent national mechanisms were the best safeguards against human rights violations, and his country's national human rights commission was empowered to inquire *suo moto* into any complaint of violation.

71. In the context of human rights learning, his Government provided regular training on human rights issues to public officials, especially in law enforcement. That had already yielded positive results on the ground.

72. Human rights should be addressed from an integrated and holistic approach. Civil and political rights and economic, cultural and social rights, including the right to development, were of equal importance, and it was crucial to help the more vulnerable societies to meet a minimum standard of living, and enjoy the right to education and to health care and shelter. Failing that, poverty and unmet aspirations for development would stifle the political process and undermine democracy. A collective effort and understanding of all Member States was needed in that regard.

73. **Mr. Al Habib** (Islamic Republic of Iran) said that, nearly two decades after the adoption of the Vienna Declaration, many concerns, including enhanced international cooperation in human rights and the realization of the right to development, remained unaddressed. The international community must give equal attention to economic, social and cultural rights and political and civil rights, including the binding nature of the right to development. Religious and national specificities, as well as cultural diversities, must be given serious consideration in order to curb the growing trends of racism, racial discrimination, xenophobia and related intolerance which threatened some societies.

74. It was regrettable that most manifestations of those trends were occurring against one religion and its followers, namely Islam and Muslims, as illustrated by the recent film, which was produced in the United States of America and was offensive and insulting to the Prophet Mohammad. Such manifestations of religious intolerance reflected the dire need to take collective and preventive action against such fast-growing religious intolerance.

75. Poverty alleviation should be made a central theme of the human rights machinery, with the burden falling to the States which used other countries' labour force and human resources. The international community had a long way to go to achieve the ideals under the Vienna Declaration and Programme of Action, and it was timely to assess progress and shortcomings to attaining those ideals.

76. Iran reaffirmed its commitment to the universality, interdependence and equality of all human rights, and noted the urgent need to curb the trend of selectivity and economic and political exploitation which continued to taint the international order.

77. **Mr. Kasymov** (Kyrgyzstan) said that the human rights instruments most recently signed by Kyrgyzstan were the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities. Kyrgyzstan had also become a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

78. The Kyrgyz Constitution of 2010 abolished the death penalty and assigned the utmost importance to human rights and freedoms. All draft laws affecting the interests of citizens were subject to public debate. An Ombudsman's office was operating effectively in Kyrgyzstan. In addition, the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, had recently visited the country.

79. His delegation welcomed the recent launch of the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, pursuant to resolution 66/254, and supported the efforts of the High Commissioner for Human Rights to raise public awareness of the work of the treaty bodies. At the same time, the treaty bodies must ensure that their conclusions and recommendations were realistic and took account of the interests of all relevant parties.

80. The United Nations Conference on Sustainable Development (Rio+20) had recognized the importance of human rights for sustainable development. In that context, it was vital to ensure a balance between civil and political rights on the one hand and economic, social and cultural rights on the other, particularly in developing countries, where human rights protection was understood to imply improved living conditions. Those countries should be provided with greater assistance in order to achieve their development goals

Statements in exercise of the right of reply

81. **Mr. Mahmoud** (Egypt) said that the allegations made by a representative of the Russian Federation at the twentieth meeting regarding Christians in Egypt were inaccurate and unfounded, noting that Egypt's Coptic Christians had been an integral part of Egyptian society for thousands of years, without discrimination, before or after the democratic revolution of 2011. His Government ensured the enjoyment of equal rights and freedoms of religion or belief for all Egyptians, guaranteed under its Constitution. All Egyptians could freely exercise and practice their religion.

82. He reiterated his Government's commitment to protecting the right of freedom of expression and opinion, when it was used to promote mutual understanding, respect, and acceptance. It was hoped that the Government of the Russian Federation ensured such freedoms as well, including for Muslim minorities in their territories, or the Chechen people and their right to self-determination.

83. **Mr. Win** (Republic of the Union of Myanmar), responding to a statement made by the representative of Saudi Arabia, said that the exercise of religious freedom in Myanmar was well known throughout the world, and the Government provided equal treatment to all faiths. The country's Constitution provided safeguards against religious discrimination and intolerance. Interfaith harmony was a time-honoured tradition in the country, as evidenced by the fact that Buddhist pagodas, Christian churches, Muslim mosques and Sikh temples could be seen side by side throughout the country. The Government of Myanmar encouraged its population to preserve its respective religious traditions and practices, including through financial and other support to that end, for example to facilitate annual pilgrimages for followers of the Islamic faith.

84. The violence in Rakhine State had been triggered by two communities earlier in the year, and both had lost lives and property. His Government had taken measures to address that situation, including through legal action against perpetrators and measures under existing laws to prevent similar actions from occurring in the future. An independent commission had been set up to investigate the incidents. His Government was also cooperating with religious and community leaders, and had facilitated a number of visits by United Nations officials and representatives of other international and regional agencies to Myanmar; it had recently extended an invitation to the Secretary-General of the Organization of Islamic Cooperation to come to assess the situation on the ground. The overall

situation was returning to normal. Accusations made by some were unfounded.

85. The violence that had recently erupted in Rakhine State was neither a conflict between two religious groups, nor a humanitarian issue. Humanitarian assistance was being provided to the affected people without interruption, and additional assistance to both communities was always welcome.

86. **Mr. Oyateru** (Nigeria), in response to the statement by a representative of the Russian Federation that a radical Islamist movement continued to exterminate Christians in Nigeria, said that the actions of the Boko Haram did not target Christians, but affected persons of any faith indiscriminately, and his Government was undertaking joint counter-terrorism efforts with others to address the situation. His Government did not tolerate any kind of killing, regardless of motive, and all Nigerians of good conscience had condemned the violent acts perpetrated by that group. He invited that representative to seek accurate information, which his Government stood ready to provide at all times.

87. **Mr. Al-Obaidi** (Iraq), in relation to the reference made by a representative of the Russian Federation on religious minorities in Iraq, said that Christians in Iraq had been exposed to the same indiscriminate terrorism as all Iraqis, perpetrated by groups such as Al-Qaida.

88. His Government had taken measures to protect all its people, including religious minorities, through enhanced protection in places of worship and the guarantee to exercise religion in all safety. An order had been given to create a Christian affairs office that would report to the President and have full knowledge of all situations of injustice against Christians. Article 7 of the Iraqi Constitution prohibited behaviours which incited or glorified racism, terrorism or ethnic cleansing.

89. **Ms. Alsaleh** (Syrian Arab Republic) said that the reference made to her country by the representative of Saudi Arabia at the twentieth meeting was misleading, and was in line with his Government's policy of encouraging terrorism in the Syrian Arab Republic.

90. The representative of Saudi Arabia claimed that his country had succeeded in combating terrorism and radical thinking, yet it was well-known that the roots of radicalism that offended Islam were anchored in a Saudi school of thought which was harmful to Muslims around the world and undermined Islam. Saudi Arabia hosted thousands of persons who propagated terrorist theory against her country. The Salafi philosophy incited upheaval on Syrian streets and sowed the seeds of factional and sectarian sedition. It undermined all development achievements and the concept of a modern State.

91. Moreover, in Saudi Arabia, peaceful demonstrators were repressed and killed, more than 30,000 political prisoners were held in Saudi jails, and a travel ban was imposed on persons who expressed their opinion or assembled peacefully. All the while, Saudi authorities provided weapons and funds to terrorist groups in the Syrian Arab Republic.

92. **Ms. Abubakar** (Libya) said that her country was a party to the International Covenant on Economic, Social and Cultural Rights, and noted that the allegation made by a representative of the Russian Federation about the exodus of thousands of Christians from Libya did not accurately reflect the situation of Christians living in her country. Those who had fled the country had been motivated by the same desire as others — to find peace. Libyans were known for their tolerance and peaceful coexistence.

The meeting rose at 6.10 p.m.